

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

THE ESTATE OF M.L., deceased, and
SHAKENDRA COOK, individually and on
behalf of THE HEIRS OF M.L.,

Plaintiffs,

v.

SPRING INDEPENDENT
SCHOOL DISTRICT,

Defendant; and

THE ESTATE OF T.J., deceased, and
SHEVONNE KENNEDY, individually and
on behalf of THE HEIRS OF T.J.,

Plaintiffs,

v.

Civil Action No. 4:20-cv-01597

ALDINE INDEPENDENT
SCHOOL DISTRICT,

Defendant; and

C.C. b/n/f ART and PATRICIA CHUPK,

Plaintiff,

v.

PFLUGERVILLE INDEPENDENT
SCHOOL DISTRICT,

Defendant; and

A.D.B. b/n/f SUSAN BENSON,

Plaintiff,

v.

HALLSVILLE INDEPENDENT
SCHOOL DISTRICT,

Defendant; and

B.P. b/n/f JACK JAY and JULIE POTTS,

Plaintiff,

v.

FRISCO INDEPENDENT
SCHOOL DISTRICT,

Defendant.

**DEFENDANT FRISCO INDEPENDENT SCHOOL DISTRICT'S UNOPPOSED
MOTION FOR EXTENSION OF TIME TO FILE A RESPONSIVE PLEADING**

Defendant Frisco Independent School District (Frisco ISD or the District) files this Unopposed Motion for Extension of Time to File a Responsive Pleading and, in support thereof, respectfully would show the Court as follows:

1. On March 20, 2020, Plaintiffs Shakendra Cook, individually and formerly as the natural parent of M.L., deceased, and also in her capacity as personal representatives of the Estate of M.L., Shevonne Kennedy, individually and formerly as the natural parent of T.J., deceased, and also in her capacity as personal representatives of the Estate of T.J., and Art and Patricia Chupka, a/n/f of C.C. filed their Amended Complaint and Jury Demand. (Dkt. 3).

2. After Defendants moved to Dismiss Plaintiffs' collective Amended Complaint and/or otherwise sever Plaintiffs' collective claims, Plaintiffs filed a Motion for Leave to file a Second Amended Complaint on July 23, 2020. (Dkt. 20). Plaintiffs subsequently filed a Motion for Leave to File the First Supplement to their Second Amended Complaint. (Dkt. 25). The

supplemental Motion for Leave named, for the first time, Frisco ISD as a Defendant in this matter. (Dkt. 25).

3. Thereafter, Plaintiffs' counsel reached out to all parties inquiring as to whether they opposed a Motion for Leave to file the Revised Second Amended Complaint with Supplement and Jury Demand. (Dkt. 42). After counsel for Frisco ISD informed Plaintiffs' counsel that the District was not yet a party given the pending Motions for Leave, opposing counsel inquired as to whether Frisco ISD would waive service. The District agreed with the understanding that opposing counsel would not oppose a Motion for Extension of Time to File a Responsive Pleading pending the Court's ruling on the pending Motions for Leave.

4. To that end, the current live pleading, Amended Complaint and Jury Demand (Dkt. 3), does not name Frisco ISD as a party and, as such, there is no live pleading to which Frisco ISD needs to respond. The District understands, however, opposing counsel's position regarding the District and, as such, executed the waiver of service. But unless and until the Court grants Plaintiffs' Motion for Leave to File the First Supplement to their Second Amended Complaint (Dkt. 25) or Plaintiffs' Motion for Leave to file the Revised Second Amended Complaint with Supplement and Jury Demand (Dkt. 42), Frisco ISD is not a named Defendant.

5. As such, Frisco ISD is requesting an extension of time to file a responsive pleading in this matter. More specifically, Frisco ISD seeks to file a responsive pleading 14 days from the date Plaintiffs' file any Complaint, with leave of Court, naming Frisco ISD as a Defendant. Frisco ISD maintains the procedural circumstances, including Plaintiffs' pending Motions for Leave, arise to good cause for granting the District's request for an extension of time.

6. This extension is not sought for the delay but so that justice may be done.

7. Plaintiffs are unopposed to the relief sought in this motion.

WHEREFORE, PREMISES CONSIDERED, based on the foregoing, Frisco ISD prays that this Court grant its Motion for Extension of Time to File a Responsive Pleading, making such responsive pleading due 14 days after Plaintiffs file any Complaint, with leave of Court, naming Frisco ISD as a Defendant, and for such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

By: /s/ Meredith Prykryl Walker

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CERTIFICATE OF CONFERENCE

On December 1, 2020, counsel for Defendant Frisco Independent School District, Meredith Prykryl Walker, conferred with counsel for Plaintiffs, Martin Cirkiel, concerning the relief sought in this motion. Mr. Cirkiel confirmed via email correspondence Plaintiffs are unopposed to the relief sought herein.

/s/Meredith Prykryl Walker
Meredith Prykryl Walker

CERTIFICATE OF SERVICE

On December 1, 2020, I electronically submitted the foregoing document with the clerk of court for the United States District Court, Southern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/Meredith Prykryl Walker
Meredith Prykryl Walker